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86-09

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In The Matter Of:)
CALIFORNIA BIONUCLEAR CORPORATION,) ORDER
RIAD MOHAMED AHMED, JOHN T. VEREUCK,)
Respondents) 86-09
PROCEEDING UNDER SECTION 106(a))
OF THE COMPREHENSIVE ENVIRONMENTAL)
RESPONSE, COMPENSATION AND LIABILITY)
ACT OF 1980 (42 U.S.C. 9607(a)))

The following Order is issued on this date to CALIFORNIA BIONUCLEAR CORPORATION, RIAD MOHAMED AHMED, AND JOHN T. VEREUCK ("Respondents") pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9606(a), by authority delegated to the undersigned by the Administrator of the United States Environmental Protection Agency ("EPA"). Notice of the issuance of this Order has heretofore been given to the State of California.

The Director, Toxics and Waste Management Division, EPA Region 9 has determined that there may be an imminent or substantial endangerment to the public health or welfare or

1 to the environment because of an actual or threatened release
2 of hazardous substances from a facility owned by John T. Vereuck
3 and operated by California Bionuclear Corporation and the company's
4 principal, Riad Mohamed Ahmed.

5 This Order directs California Bionuclear Corporation, Riad
6 Mohamed Ahmed and John T. Vereuck to undertake actions to protect
7 the public and the environment from this endangerment.

8 FINDINGS OF FACT

9 Background

10 1. Respondent California Bionuclear Corporation operates a
11 laboratory located at 7654 San Fernando Road, Sun Valley,
12 California ("the facility").

13 2. Respondent Riad Mohamed Ahmed is the owner and director
14 of California Bionuclear Corporation.

15 3. Respondent John T. Vereuck owns the facility and real
16 property located at 7654 San Fernando Road, Sun Valley, California.

17 4. California Bionuclear Corporation adds carbon-14, a
18 radioactive element, to various chemicals for use as a tracer.
19 The "tagged" chemicals are sold to various customers for research
20 and industrial applications.

21 5. On August 22, 1985, the Los Angeles Fire Department
22 conducted a routine inspection of the California Bionuclear
23 facility. The fire inspector noted numerous fire and safety
24 code violations, including the unsafe storage of flammable,
25 combustible, reactive, explosive, corrosive, oxidizing, toxic and
26 radioactive materials. A notice requiring immediate correction
27 of the hazardous material storage violations was issued that
28 same day.

1 6. On January 14, 1986, the Los Angeles Fire Department
2 reinspected the facility to determine whether the violations
3 cited on August 22, 1985 had been corrected. The fire inspector
4 found that none of the violations had been corrected. A second
5 notice was issued on January 15, 1986, detailing the storage
6 violations and requiring corrective action by January 23, 1986.

7 7. As a result of the violations noted by the Los Angeles
8 Fire Department, an Inspection/Search Warrant was issued by the
9 Los Angeles County Municipal Court. The Inspection/Search Warrant
10 was executed on January 17, 1986 by members of the Los Angeles
11 Police Department, Los Angeles Fire Department, Los Angeles
12 County Department of Health Services, California Department of
13 Health Services, and the Los Angeles Bureau of Sanitation.

14 8. During the January 17, 1986 joint inspection of the
15 facility, the Los Angeles County Department of Health Services
16 Radiological Management Unit conducted a radiation survey. Using
17 a "geiger counter" the Radiological Management Unit found radio-
18 active contaminated materials in a trash dumpster and on the
19 ground near the trash dumpster behind the facility. Radiological
20 monitoring also showed widespread radioactive contamination
21 within the facility and on the floor area of a machine shop
22 adjacent to the laboratory. Radioactive contamination was found
23 throughout the facility on floors, laboratory benches, equipment,
24 and in a rug in the front office.

25 9. During the January 17, 1986 inspection, the improper and
26 dangerous storage conditions previously observed by the Fire
27 Department were verified. Of particular concern to the health
28 and safety agencies was the fire and explosion threat present

1 within the laboratory and potential for releases of significant
2 quantities of radioactive material in the event of a fire and/or
3 explosion.

4 10. The facility has been closed since January 1986 under
5 a preliminary and permanent injunction issued by the Los Angeles
6 County Municipal Court

7 11. On September 4, 1986, in response to local fire and
8 safety concerns, EPA inspected the facility and conducted a
9 preliminary assessment of the dangers posed by this site to the
10 surrounding community. As described in the following paragraphs,
11 EPA determined that the facility presented an imminent and sub-
12 stantial endangerment to public health, welfare and the environment.

13 ENDANGERMENT

14 12. Chemicals/Chemical Hazards: Approximately 3500 chemical
15 containers ranging in size from 1 ounce to 5 gallons are present
16 within the facility. Chemicals are generally stored in alphabeti-
17 cal order without regard to compatibility, flammability or reac-
18 tivity. In addition, hazardous substances are stored improperly
19 or in containers of questionable integrity.

20 Several of the hazardous substances stored on-site present
21 a threat of fire or explosion. Flammable solvents present
22 include 1,1,2-trichloroethane, pentane, methyl benzene and methyl
23 acetate. Identified flammable metals include magnesium chips,
24 potassium, and sodium. Flammable and combustible materials are
25 not properly stored in flame-proof cabinets or explosion-proof
26 refrigerators. The facility does not have separate hazardous
27 material cabinets for the different classes of materials stored
28 on-site which include, corrosives, unstable chemicals, toxic

1 chemicals, flammables, water-reactive compounds and explosives.

2 Of particular concern is the improper and unsafe storage of
3 chemicals. Incompatible substances are stored in close proximity,
4 such as bromine alongside organics and nitric acid near nitromethane.
5 Cyanides (potassium and cuprous) are stored in the same general
6 area with acids (nitric and sulfuric). Compressed gases such as
7 anhydrous ammonia, hydrogen chloride and chlorine are stored in
8 cylinders of questionable integrity and with rusty valves.

9 Picric acid, a highly explosive substance, is stored in an open
10 area of the facility.

11 Carbon-14, a beta-emitting radioactive substance, is stored
12 and used on-site. The entire laboratory is contaminated with
13 radioactivity, as is a trash dumpster located behind the facility,
14 the facility roof and roof vents, the rear door of the facility
15 and a portion of an adjacent machine shop where water has leaked
16 from the laboratory. Radiological monitoring conducted by the
17 Los Angeles County Department of Health Services inside the
18 laboratory measured elevated levels of beta radiation.

19 13. Population at Risk: In the event of a fire and/or
20 explosion at the facility, radiation and several potentially
21 toxic compounds would be released into the surrounding area. The
22 facility is located in a mixed light-industrial and residential
23 area; several homes are located immediately behind the facility.
24 An elementary school is located within one-quarter mile of the
25 facility. In the past, Respondent Riad Mohamed Ahmed has
26 stated that an explosion of his laboratory could be expected
27 to level a one-square block area and would probably require the
28 evacuation of several city blocks.

1 and the environment.

2 2. In order to prevent or mitigate immediate and signifi-
3 cant risk of harm to human life, health and to the environment,
4 it is necessary that immediate removal action be taken to contain
5 and prevent the release and potential release of hazardous sub-
6 stances, pollutants or contaminants from the California Bionuclear
7 facility.

8 3. The response measures ordered herein are consistent
9 with the National Contingency Plan, 40 C.F.R. Part 300.

10 4. Respondents are the current owner and operator of the
11 facility responsible for conducting the actions ordered herein,
12 which are necessary to protect human health and the environment.

13 5. The Respondents are jointly and severally liable for
14 conducting the actions ordered herein.

15 ORDER

16 Based upon the foregoing Findings of Fact, Conclusions of
17 Law and Determinations, Respondents are hereby ordered and
18 directed to implement the following measures:

19 CHEMICAL REMOVAL PLAN

20 1. Within five (5) days of the effective date of this Order
21 Order, Respondents shall submit to EPA a written proposal for the
22 removal of all chemicals currently stored at the facility. At a
23 minimum, the plan shall include: (1) provisions for the segrega-
24 tion, recontainerization, decontamination of chemical containers,
25 disposal and/or recycling of all chemicals; (2) site safety
26 measures to protect on-site workers and the surrounding community;
27 and (3) an implementation schedule. The chemical removal plan
28 shall ensure that all containers to be removed from the site are

1 decontaminated in accordance with the guidelines set forth in
2 the U.S. Nuclear Regulatory Commission (USNRC) Regulatory Guide
3 1.86. Site safety shall include radiological monitoring to ensure
4 that radioactive contamination is confined to the facility during
5 the removal action.

6 2. Within two (2) days of EPA approval of the chemical
7 removal plan, Respondents shall begin implementation of the plan.
8 Respondents shall fully implement the chemical removal plan as
9 approved by EPA within the time period set forth in the schedule.

10 DECONTAMINATION PLAN

11 3. Within fifteen (15) days of the effective date of this
12 Order, Respondents shall submit to EPA for approval a plan to
13 decontaminate the facility and all adjacent areas which are
14 contaminated with radioactive materials. In order to eliminate
15 the immediate threat, decontamination shall meet or exceed the
16 guidelines set forth in the USNRC Regulatory Guide 1.86. At a
17 minimum, the decontamination plan should address the following
18 areas: (1) all surface areas, fixtures, equipment, furniture, and
19 carpets within the facility (both the laboratory and the front
20 office); (2) a trash dumpster located to the rear of the facility
21 building; (3) the facility roof and roof vents; and (4) a contami-
22 nated area of the adjacent machine shop where water leakage from
23 the laboratory transported radioactive materials. The decontami-
24 nation plan shall include: site safety measures and radiological
25 monitoring to protect on-site workers and the surrounding community
26 during the cleanup; post cleanup confirmation sampling; and an
27 implementation schedule.

28 4. Within five (5) days of completion of the chemical

1 removal phase, Respondents shall begin implementation of the
2 decontamination plan. The decontamination plan must be approved
3 by EPA before Respondents may begin implementation of the plan.
4 Respondents shall fully implement the decontamination plan as
5 approved by EPA within the time period set forth in the schedule.

6 PROJECT COORDINATOR

7 5. Within five (5) days of the effective date of this
8 Order, the Respondents shall designate and provide EPA with name
9 and address of a Project Coordinator whose responsibilities will
10 be to receive all notices, comments, approvals and other communi-
11 cations from EPA to the Respondents.

12 REPORTING REQUIREMENTS

13 6. Within thirty (30) days of completion of the activities
14 outlined above, Respondents shall submit to EPA a report describ-
15 ing the chemical removal and facility decontamination actions.

16 Respondent is further ordered as follows:

17
18 COMPLIANCE WITH APPLICABLE LAWS

19 In carrying out the terms of this Order, Respondents shall
20 comply with all federal, state and local laws and regulations.
21 All hazardous substances/wastes removed from the facility must be
22 handled in accordance with Subtitle C of the Resource Conservation
23 and Recovery Act, 42 U.S.C. 6921 et seq., 40 CFR Parts 262, 263,
24 and 265, and the California Hazardous Waste Control Act [Health
25 and Safety Code § 25100 et seq.].

26 SUBMITTALS

27 All submittals and notifications to EPA pursuant to this
28 Order shall be made to:

1 Director, Toxics and Waste Management Division
2 Environmental Protection Agency, Region 9
3 215 Fremont Street
4 San Francisco, California 94105

5 Copies of all submittals and notifications shall be sent
6 simultaneously to:

7 Angelo Bellomo
8 Toxic Substances Control Division
9 California Department of Health Services
10 107 S. Broadway, Room 7128
11 Los Angeles, California 90012

12 Keith Pritsker
13 Assistant City Attorney
14 Office of the Los Angeles City Attorney
15 1600 City Hall East
16 200 North Main Street
17 Los Angeles, California 90012

18 Albert Ferguson
19 Radiation Control
20 Los Angeles County Department of Health Services
21 2615 South Grand Avenue, 6th Floor
22 Los Angeles, California 90007

23 All approvals and decisions of EPA made regarding such
24 submittals and notifications shall be communicated to Respondents
25 by the Director, Toxics and Waste Management Division, U.S.
26 Environmental Protection Agency, Region 9. EPA will consult with
27 above-listed regulatory agencies to ensure that the plans submitted
28 pursuant to this Order are consistent with state and local require-
ments. No informal advice, guidance, suggestions or comments by
EPA regarding reports, plans, specifications, schedules or any
other writing shall be constructed to relieve the Respondents of
their obligation to obtain such formal approvals as may required
herein.

ACCESS

Employees and authorized representatives of EPA, State
Department of Health Services, Los Angeles Fire Department, and

1 Los Angeles County Department of Health Services shall be granted
2 access to the facility for the purpose of verifying compliance
3 with the terms of this Order. Nothing in this paragraph is
4 intended to limit in any way the right of entry or inspection
5 that EPA or other agency may otherwise have by operation of law.

6 ON-SCENE COORDINATOR

7 EPA shall appoint an On-Scene Coordinator (OSC) who shall
8 have the authority to be on-site at all times when response work
9 is being undertaken pursuant to this Order. The OSC shall have
10 the authority vested in the "On-Scene Coordinator" by 40 C.F.R.
11 Part 300, et seq.

12 ENDANGERMENT DURING IMPLEMENTATION

13 In the event that the Director, Toxics and Waste Management
14 Division, EPA, Region 9 determines that any activities (whether
15 pursued in implementation of or in noncompliance with this Order)
16 or circumstances are endangering the health and welfare of people
17 on the site or in the surrounding area or to the environment, the
18 Director may order the Respondents to stop further implementation
19 of this Order for such period of time as needed to abate the
20 endangerment.

21 GOVERNMENT LIABILITIES

22 The United States Government shall not be liable for any
23 injuries or damages to persons or property resulting from the
24 acts or omissions of the Respondent, its employees, agents or
25 contractors in carrying out activities pursuant to this Order,
26 nor shall the Federal Government be held as a party to any
27 contract entered into by the Respondents, or its agents in carry-
28 ing out activities pursuant to this Order.

PENALTIES FOR NONCOMPLIANCE

A willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject you to a civil penalty of not more than \$5,000 per each day in which a violation occurs or such failure to comply continues, pursuant to the provisions of Section 106(b) of CERCLA, 42 U.S.C. §9606(b). Failure to comply with this Order, without sufficient cause, may also subject you to punitive damages in an amount up to three times the total of all costs incurred by the Government as a result of your failure to take proper action, pursuant to the provisions of Section 107(c)(3) of CERCLA, 42 U.S.C. §9607(c)(3).

EPA may take over the removal action at any time if EPA determines that Respondents are not taking appropriate action to mitigate the site hazard. In the event EPA assumes responsibility for the removal action, Respondent shall be liable for all costs incurred by EPA to mitigate the site hazard. EPA may order additional removal or remedial actions deemed necessary by EPA to protect the public health and welfare or the environment.

OPPORTUNITY TO CONFER

You may request a conference with the Director, Toxics and Waste Management Division, EPA Region 9 or his staff to discuss the provisions of this Order. At any conference held pursuant to your request, you may appear in person or by counsel or other representatives for the purpose of presenting any objections, defenses or contentions which you may have regarding this Order. If you desire such a conference, you must make such request orally within 24 hours of receipt of this Order, to be immediately confirmed in a written request. Please make any such request to

1 either of the contact persons listed below.

2 PARTIES BOUND

3 This Order Shall apply to and be binding upon the Respon-
4 dents, their officers, directors, agents, employees, contractors,
5 successors and assigns.

6 NOTICE OF INTENT TO COMPLY

7 Immediately upon receipt of this Order, Respondent shall
8 orally inform EPA of its intent to comply with the terms of this
9 Order. This shall be confirmed in writing within two (2) days
10 of days of receipt of this Order.

11 EFFECTIVE DATE

12 Notwithstanding any conferences requested pursuant to the
13 provisions of this Order, this Order is effective upon receipt,
14 and all times for performance shall be calculated from that date.

15
16 It is so ordered on this 9th day of September, 1986.

17
18 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

19
20 By: *[Signature]*

21 MARY SERAYDARIAN

22 DIRECTOR, TOXICS & WASTE MANAGEMENT DIVISION
23 EPA, REGION 9
24
25
26
27
28

- 1 Contact Persons:
- 2 Linda Nash
- 3 Superfund Programs Branch (T-4-4)
- 4 U.S. Environmental Protection Agency
- 5 215 Fremont Street
- 6 San Francisco, California 94105
- 7 (415) 974-7231
- 8
- 9 William Lewis
- 10 On-Scene Coordinator
- 11 Emergency Response Section (T-3-3)
- 12 U.S. Environmental Protection Agency
- 13 215 Fremont Street
- 14 San Francisco, California 94105
- 15 (415) 974-7464
- 16
- 17 Jon Wactor
- 18 Assistant Regional Counsel (ORC)
- 19 U.S. Environmental Protection Agency
- 20 215 Fremont Street
- 21 San Francisco, California 94105
- 22 (415) 974-8042
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